



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Labor and Industry/Safety and Health Codes Board
VAC Chapter Number:	16 VAC 25-60-10 et seq.
Regulation Title:	Administrative Regulation for the Virginia Occupational Safety and Health Program
Action Title:	Periodic Review of Regulation
Date:	June 11, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation provides an operational framework of rules and procedures for the administration of the VOSH program such as program jurisdiction, notification and posting requirements, required reporting by employers, access to information, and complaint and discrimination procedures. Also covered are occupational safety and health standards, variances to the standards, inspections, citations and penalties, abatement procedures, and inspection case review and settlement.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

This regulation is mandated by state and federal law. The Code of Virginia, section 40.1-22.5, authorizes the Board to adopt, amend, or repeal rules or regulations to further, protect and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with the Federal Occupational Safety and Health Act of 1970.

Section 18 of the Federal Occupational Safety and Health Act (P.L. 91-596) requires the state agency to have a State Plan for the development of occupational safety and health standards and their enforcement. These standards shall be as effective and stringent as the federal OSHA standards. This regulation does not exceed the minimum regulations of the state and federal mandates.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments from the public were received during the comment period of April 23, 2001 through May 15, 2001. An informal advisory group was not used in the periodic review of this regulation.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The goals of the regulation are:

Provide and publish a fair process for enforcing Title 40.1 of the Code of Virginia and the federal Occupational Safety and Health Act.

Protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

This regulation is effective in achieving the goals in that it provides a clearly written and easily understandable framework for the operation of the Virginia Occupational Safety and Health Program. It includes the Federal OSHA operational requirements for a State Plan state. The regulation provides employers with processes for responding to citations and penalties; requesting variances; and, abating hazardous conditions. It provides employees with processes to provide information on their rights and to file complaints about hazardous work conditions. The regulation has no impact on the institution of the family and family stability.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Since this regulation is mandated by state and federal law, there are no alternatives for achieving the purpose of the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The Safety and Health Codes Board and the Department of Labor and Industry recommend retaining the regulation without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no impact on the institution of the family or family stability.